



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,593	09/12/2003	Seiji Iino	117101	7871
25944 7590 08/26/2008 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
QIN, YIXING				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
08/26/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/660,593

Applicant(s)

IINO ET AL.

Examiner

Yixing Qin

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

I. Claims 1, 2, 14 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Takaoka (U.S. P.G. Pub. No. 2002/0059337)

Regarding claims 1, 14, Takaoka discloses the image processing apparatus comprising:

an image processing unit for performing predetermined image processing upon first image data so as to obtain second image data (Fig. 2a shows that item 207 is a number of epages that are converted to thumbnail images. The Epages 207 is the first data, with the thumbnails being the second image data. The image processing that takes place is a thumbnail conversion. See in P[0066] that a page image or thumbnail image can be created using the software ImageDriver. See in P[0155] that a function expansion board or unit performs part of all of the actual processing based upon the programs codes. Thus board or unit would provide the functions of an image processing unit.).

an image storage unit for storing said second image data; (P[0115] discloses that all pieces of information can be stored. P[0006] discloses holding means for holding various documents)

an image combining unit for combining a plurality of image data; (See Figs. 1, 2a and 2b where various documents are combined. P[0008] discloses a composition means for composing the document. Also note in P[0155] that the programs shown are run by a CPU by a function expansion unit or board.)

wherein:

when third image data is present on which said predetermined image processing will be performed includes a portion different from said first image data (Fig. 2a, the second Epages is another image, which is the third image. From Fig. 2a, one can see that the two Epages are at least differing in that the second epages has three total epages as opposed to the first epages which only has two pages), said image processing unit performs said predetermined image processing upon said different portion between said third image data and said first image data so as to generate fourth image data (again, the same image processing of creating a thumbnail is performed to create thumbnails, which one can interpret as fourth image data); and

Takaoka does not explicitly disclose "said image combining unit combines, of said second image data stored in said image storage unit, a portion corresponding to said third image data other than said different portion with said fourth image data."

However, Takaoka discloses in Figs. 7-14 that various pages of documents can be combined in any order using a drag and drop method. The current claims claim one particular combination of combining the different documents, but, basically, Takaoka, allows a various number of ways to combine the documents. Although the particular combination is not explicitly disclosed, one of ordinary skill would realize that it would be logical to combine documents in this manner because the particular portions combined would not have duplicate portions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used Takaoka to perform the claimed combination.

The motivation would have been to allow a particular combination to be performed depending on the needs of the user.

Therefore, it would have been obvious to use Takaoka to obtain the invention as specified.

Regarding claims 2, 15, Takaoka discloses the image processing apparatus according to Claim 1, wherein:

when one of said first image data and said third image data can be subjected to processing, said image processing unit performs a color correction process and/or a RIP process upon said image data that can be subjected to processing. (thumbnail images are created through the processing in the Takaoka reference. One of ordinary skill knows that is a color correction technique.)

II. Claims 3, 9-13, 16, 18, 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Takaoka (U.S. P.G. Pub. No. 2002/0059337) in view of Sato (U.S. Patent No. 5,737,620)

Regarding claims 3, 16, Takaoka discloses the image processing apparatus according to Claim 1, wherein:

It does not explicitly disclose "when one of said first image data and said third image data is drawing data described in a drawing language, said image processing unit further performs an unfolding process upon said drawing data so as to unfold said drawing data and thereby obtain one of said second image data and said fourth image data."

However, the secondary reference, Sato, discloses in column 2, lines 8-32 that images can be combined in PDL format.

Takaoka and Sato are combinable because both are in the art of image combination.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have processed images using the language data.

The motivation would have been to allow for a simple way to process and combine images.

Therefore, it would have been obvious to combine Takaoka and Sato to obtain the invention as specified.

Regarding claim 9, Takaoka discloses the image processing apparatus according to Claim 1, wherein:

said image processing unit compares said first image data with said third image data so as to detect said different portion. (P[0130] – different contents can be created for different destinations.)

Regarding claim 10, 18 Takaoka discloses Image processing apparatus according to Claim 1, wherein:

when said image processing is performed upon said first image data and said third image data by page, said image processing unit detects, as said different portion, pages including a difference between said first image data and said third image data. (again, from claim 9 above, P[0130] – different contents can be created for different destinations. Although it does not say that pages are different, One would realize that the differing content inherently creates different pages.)

Regarding claim 11, 19 Takaoka discloses the image processing apparatus according to Claim 1, wherein:

when said image processing is performed upon said first image data and said third image data by sheet of paper, said image processing unit detects, as said different portion, sheets of paper including a difference between said first image data and said third image data. (again, from claims 9 and 10 above, P[0130] – different contents can

be created for different destinations. Although it does not say that sheet data are different, One would realize that the differing content inherently creates different sheet data.)

Regarding claim 12, Takaoka discloses the image processing apparatus according to Claim 10, wherein:

when said difference in one page results in a difference in all of subsequent pages, said image processing unit detects, as said different portion, all of said page including said difference and said subsequent pages. (P[0141 and 0142] disclose the insertion of a thumbnail page to create an altered document.)

Regarding claim 13, Takaoka discloses Image processing apparatus according to Claim 11, wherein:

when said difference in one sheet of paper results in a difference in all of subsequent sheets of paper, said image processing unit detects, as said different portion, all of said sheet of paper including said difference and said subsequent sheets of paper. (column 18, lines 5-42)

III. Claims 4-8 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Takaoka (U.S. Patent No. 5,801,773) in view of Sato (U.S. Patent No. 5,737,620) and further in view of Kurijai (U.S. P.G. Pub No. 2001/0053295)

Regarding claim 4, 17. Image processing apparatus according to Claim 1, further comprising:

It does not explicitly disclose "an accounting unit for performing an accounting process for at least said image processing upon said different portion."

However, Kurijai discloses in Fig. 5 various information that could be used for job accounting. The various blocks can be interpreted to be portions of a page.

All references are combinable because they are in the art of printing and analysis of image information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have calculated print/processing charges.

The motivation would have been to have allowed a manager or management system to properly charge clients for image/print usage.

Therefore, it would have been obvious to combine all references to obtain the invention as specified.

Regarding claim 5, Kurijai discloses the image processing apparatus according to Claim 4, wherein:

said different portion is measured by page, and said accounting unit calculates a fee to be charged in said accounting process based on the number of pages of said different portion. (P[0072] of Kurijai discloses calculation based upon amount of pages)

Regarding claim 6, Kurijai discloses the image processing apparatus according to Claim 4, wherein:

said accounting unit calculates a fee to be charged in said accounting process based on an area of said different portion. (Fig. 5 shows various information regarding the print job. The accounting is based upon all the various factors. One can interpret the pages to be an area of the print job.)

Regarding claim 7, Kurijai discloses the image processing apparatus according to Claim 4, wherein:

said image processing uses processing data, and said accounting unit does accounting for said processing data used in said image processing. (Fig. 5)

Regarding claim 8, Kurijai discloses the image processing apparatus according to Claim 4, wherein:

when said image processing is performed upon said different portion a plurality of times, said accounting unit performs said accounting process for all or a part of second-time and subsequent ones of said image processing. (Fig. 5 shows the various processings that have taken place such as color, or size)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YQ

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625/